1951.

O. Vegetable
File No. Products/51
21/51
Legal Department-
G BRANCH

Subject:— Opinions on the Vegetable Products' order

(21/51)

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Office of the R.L.A.

The Local Self -Government and Public Health Department seeks advice on the question whether the amrut Oil Mills Ltd. can be prosecuted for selling vegetable oil products above the controlled rate and if so, to whom the papers may be forwarded for taking the necessary action.

It is alleged that the Amrut Oil Mills, Sewree in August 1948 sold 506 tins each containing 35 lbs. of vegetable products to M/s. Virjee Dayabhai & Co. of Calcutta at Rs.36/12/0 per tin although the controlled rate at that time in Bengal was Rs.31-11-6 calculated at the rate of Rs.0-14-6 fixed by the vegetable Oil Products Controller for India under Government of India, Department of Food Notification No.6-VP (2)/47 dated 23rd June 1947 issued under section 6 of the Vegetable Oil Products Control Order 1946. The only price of evidence now available is the letter from the Mills to M/s. Virjee Dayabhai dated 25th August 1948. This letter does not clearly state that the sale was at Rs.36/12/- but if further investigations are made as suggested by the collecter of Central Excise and in the anonymous letter, there is a possibility of the offence being established against the Mills and the purchaser. The note below the price notification makes it clear that the maximum prices specified in the said notification are inclusive of freight. They are, however, exclusive of octroi, terminal tax and similar other local taxes and also of sales tax. It would be therefore necessary to establish that the price of Rs.36-12-0 did not include any of the above taxes so as to reduce the price, by deducting the taxes, to the controlled rate. The Local Self-Government and Public Health Department is therefore informed that the matter may be entrusted to the

Police for investigation and a prosecution for breach of clause 6 of the Vegetable Oil Products Control Order, 1946 would lie only if sale can be proved to have been effected at a rate above the controlled rate of Rs.31-11-6 for Bengal for a 35 lb. tin.

Id/- P. M. L./
12.1.

Remembrancer of Legal Affairs.

U.R. to L.S.G. & P.H.D., No. G-27, dated the 13th January 1951.

S.I./17.7.56. 4c.